

SEVENTIETH DAY—(Continued).

Senate Chamber,
Austin, Texas,
May 5, 1933.

The Senate met at 10 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

House Bill No. 429.

The question recurred upon the pending substitute (by Senator Purl) for the amendment (by Senator Small) to H. B. No. 429 (Oleomargarine tax bill).

Motion to Concur.

On motion of Senator Woodruff, the Senate voted to concur in the House amendments to S. B. No. 251.

Bills Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 334.	H. C. R. No. 7.
S. B. No. 244.	H. C. R. No. 18.
S. B. No. 203.	H. C. R. No. 49.
H. B. No. 109.	H. C. R. No. 59.
H. B. No. 294.	H. C. R. No. 60.
H. B. No. 799.	H. C. R. No. 69a.

Bill Introduced.

By unanimous consent, the rule relating to the introduction of general bills after the first 52 days of the session was suspended and consent was granted to introduce the following bill:

By Senator Holbrook:

S. B. No. 550, A bill to be entitled "An Act making an emergency appropriation out of the general revenue fund of the State to the Secretary of State to be used in having the general and special laws of the Forty-third Legislature compiled, edited, indexed, printed, bound and distributed; and declaring an emergency."

Read and referred to Committee on Finance.

S. C. R. No. 56.

Senator Duggan sent up the following resolution by unanimous consent:

Whereas, The R. F. C. funds available for the Texas Relief Commission may be used only for one of three purposes:

Reforestation,
Flood Prevention,
Soil Erosion,
and,

Whereas, There is no reforestation or flood prevention in West Texas and very little benefit can be derived from soil erosion work, all of which practically deprives the entire western part of Texas from any benefit to be derived from these relief funds; and,

Whereas, All of West Texas is badly in need of improved roads and if the portion of said funds belonging to West Texas could be used also in the betterment of roads in that section of the State it would not only give employment to those needing the same but would greatly add to the betterment of that section of the State as a whole; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That the Legislature of the State of Texas memorialize the National Congress to so amend the "Waggoner Bill" that the R. F. C. funds to be apportioned to the Texas Relief Commission may be used for the building of good roads in any section of the State which cannot use them more profitably in the work of reforestation, flood prevention, or soil erosion.

DUGGAN.

The resolution was read.

By unanimous consent, the rule requiring resolutions to be referred before consideration was suspended.

The resolution was adopted.

Senate Simple Resolution No. 101.

Senator Cousins sent up the following resolution by unanimous consent:

Whereas, Senator John H. Bailey is indisposed and is now at Seton Infirmary; and

Whereas, He has been one of the outstanding democrats, both in National and State affairs; and

Whereas, He was a member of this Senate for many years, and during that service he always distinguished himself for his ability, fairness, and politeness; and

Whereas, He is a member of an old pioneer family of Virginia, whose forebears were the builders of the commonwealth of Virginia; and

Whereas, He chose Texas as a place to reside and make his home, and had and exercised, and yet exercises, that old-time Southern chivalry that no one but a Southerner like Senator Bailey can do; now therefore, be it

Resolved, That this Senate pass this resolution extending sympathy to Senator Bailey, and hoping and expecting to see him speedily recover and be in his home at the Driskill Hotel, and that this Senate, as a token of our love for him, now and for the services he has rendered, send him a suitable gift of flowers.

COUSINS,	ONEAL,
WOODWARD,	PACE,
BECK,	PARR,
COLLIE,	PATTON,
DeBERRY,	POAGE,
DUGGAN,	PURL,
FELLBAUM,	RAWLINGS,
GREER,	REDDITT,
HOLBROOK,	REGAN,
HOPKINS,	RUSSEK,
HORNSBY,	SANDERFORD,
MARTIN,	SMALL,
MOORE,	STONE,
MURPHY,	WOODRUFF,
NEAL,	WOODUL.

The resolution was read.

The rule requiring resolutions to be referred before consideration was suspended by unanimous consent.

The resolution was adopted.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, May 5, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolution:

S. B. No. 209, A bill to be entitled "An Act amending Article 3883 of the Revised Civil Statutes of 1925, as amended by the Acts of the Forty-second Legislature, Chapter 340; fixing the maximum annual fees of office authorized to be retained by certain district, county and precinct officers named herein; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

(With amendments.)

S. B. No. 234, A bill to be entitled "An Act making an appropriation to be paid out of the General Revenue Fund of the State of Texas the sum of twelve thousand twelve dollars and seventy-nine cents (\$12,012.79), not otherwise appropriated, to cover taxes due by the State of Texas to Fort Bend County, covering the years 1929 to 1932, inclusive; and declaring an emergency."

S. B. No. 251, A bill to be entitled "An Act making appropriations to pay past due rent on armories, from March 1, 1932, to August 31, 1932, under lease to the National Guard of the State of Texas, and authorizing payment of said rent on taking effect of this Act, and declaring an emergency."

(With amendments.)

S. B. No. 287, A bill to be entitled "An Act making an appropriation to be paid out of the general revenue fund of the State of Texas the sum of one thousand, three hundred, thirty-two and 42-100 (\$1,332.42) dollars, not otherwise appropriated, to cover taxes due by the State of Texas to the Freeport Independent School District covering the years from 1928 to 1932, inclusive; and declaring an emergency."

S. B. No. 265, A bill to be entitled "An Act making an appropriation to be paid out of the general revenue fund of the State of Texas the sum of eleven hundred seventy and 20-100 (\$1170.20) dollars, not otherwise appropriated, to cover taxes due by the State of Texas to the Brazoria Independent School District covering the years from 1929 to 1932; and declaring an emergency."

S. B. No. 268, A bill to be entitled "An Act making an appropriation to pay taxes due by the State of Texas to Bowie County, Texas, for the years 1928 to 1932, inclusive, on lands owned by the Texas Prison System, and declaring an emergency."

S. B. No. 338, A bill to be entitled "An Act ordering and authorizing the Governor of the State of Texas and the Commissioner of the General Land Office of the State of Texas to convey and quitclaim to the trustees of the Troup Consolidated Independent School District in Smith and Cherokee Counties, Texas, and their successors in office for the use and benefit of said Troup Consolidated Independent School District the now abandoned site, lands

and property of the Troup Experiment Station located partly in and partly contiguous to the city limits of the town of Troup in Smith County, Texas, the total consideration for said conveyance being to the State of Texas that said lands and property were heretofore deeded to the Governor of the State of Texas by the citizens without cost to the State for public use, which said public use has now ceased, and declaring an emergency."

S. B. No. 465, A bill to be entitled "An Act amending Chapter 101, Special Laws of the Forty-second Legislature, Regular Session, the same being known as H. B. No. 744, by amending Section 2 (d) thereof."

S. B. No. 488, A bill to be entitled "An Act to amend S. B. No. 54, Chapter 17, pages 262 to 265 inclusive, Acts of the Fourth Called Session of the Thirty-fifth Legislature of Texas approved March 25, 1918, which said Act was amendatory of Sections 12 and 16 of the Special Road Law for Smith County, Texas, passed at the Regular Session of the Thirty-third Legislature and known as Chapter 70 of the Special Laws of said Thirty-third Legislature and which is also amendatory of Section 3 of Chapter 8 of the Special Road Law of Smith County, Texas, passed at the Regular Session of the Thirty-fourth Legislature and approved February 16, 1915, so as to further provide that each officer and witness shall be allowed to receive one-half his fees exclusive of commissions whenever a county convict shall have discharged the fine and costs adjudged against him in full by work or by work and money and declaring an emergency."

S. B. No. 529, A bill to be entitled "An Act amending Section 1 of Chapter 114 of the Local and Special Laws of the State of Texas passed by the Thirty-ninth Legislature at its Regular Session, and providing for the validating of assessments of taxes heretofore levied and assessed on territory within the boundaries of the Markham Independent School District in Matagorda County, Texas, as set out in the original bill and declaring an emergency."

S. B. No. 533, A bill to be entitled "An Act to amend Subsection 5, of Section 12, of House Bill No. 3,

passed at the Regular Session of the Forty-third Legislature, and declaring an emergency."

S. B. No. 537, A bill to be entitled "An Act abolishing the office of district attorney in the 77th Judicial District of Texas; fixing the duties of county attorneys of said district; fixing their compensation; repealing conflicting laws; and declaring an emergency."

H. J. R. No. 37, Proposing an amendment to Section 26, Article I, of the Constitution of the State of Texas, so as to authorize municipalities to make flat-rate contracts with public utilities for any number of years, not exceeding twenty (20); providing for its submission to the voters of the State of Texas, as required by law, and making an appropriation therefor.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

S. C. R. No. 57.

Senator Woodruff sent up the following resolution by unanimous consent:

Whereas, It is currently reported in Austin that certain influences are bearing upon the National Administration in Washington in an effort to persuade the President of the United States to appoint a Federal director for the oil industry of the United States, and

Whereas, The Legislature of the State of Texas has recently conducted a thorough investigation of the oil industry within the State of Texas, and has come to the conclusion that the industry in this State will in due time work itself out under the regulatory laws and the cooperation of the Railroad Commission of the State, and

Whereas, It is against the genius of a free people to submit to centralized dictation in the conduct of its commercial and industrial enterprises in the absence of a national emergency, and

Whereas, No national emergency exists at this time that would warrant the people of Texas relinquishing their rights to operate their business enterprises as a free and independent people subject only to the statutory and constitutional laws

of the State and of the United States; therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That we do hereby request the President of the United States not to appoint a director or dictator for the oil industry of this Nation in so far as such appointment may apply to the State of Texas; that regardless of conditions within the industry that may be peculiar to other oil producing states, the State of Texas is able without the interference of Federal authorities to manage her own affairs, and be it further

Resolved, That a copy of this resolution be mailed to each member from Texas of the United States Congress, to the Secretary of the Interior of the United States, and to the great President of our United States.

WOODRUFF,
MOORE,
WOODWARD,
PACE,
MARTIN,
POAGE,
HOLBROOK.

The resolution was read.

Senator Holbrook asked unanimous consent to suspend the rule requiring resolutions to be referred before consideration.

Objection was heard.

Senator Woodruff moved to suspend the rule.

Senator Small raised the point of order that unanimous consent was given to send up the resolution but was not given for the making of this motion or further consideration of the resolution.

The Chair, Lieutenant Governor Edgar E. Witt, sustained the point of order.

Senator Purl, who had the floor on his amendment to H. B. No. 429, yielded to Senator Woodruff to make the motion to suspend the rule.

Senator Small raised the point of order that by so yielding Senator Purl would lose the floor.

The Chair, Lieutenant Governor Edgar E. Witt, overruled the point of order.

Senator Woodruff moved to suspend the rule requiring resolutions to be referred before consideration.

On motion of Senator Woodruff, the motion was laid on the table subject to call.

House Bill No. 429.

The question recurred upon the substitute for the amendment to H. B. No. 429.

The substitute was adopted by the following vote:

Yeas—19.

Blackert.	Poage.
Collie.	Purl.
DeBerry.	Redditt.
Fellbaum.	Regan.
Greer.	Sanderford.
Holbrook.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Oneal.	Woodward.
Patton.	

Nays—7.

Duggan.	Pace.
Hornsby.	Rawlings.
Martin.	Small.
Neal.	

Absent—Excused.

Beck.

(Pairs Recorded.)

Senator Parr (present) who would vote nay, with Senator Hopkins (absent) who would vote yea.

Senator Russek (present) who would vote nay, with Senator Cousins (absent) who would vote yea.

The amendment as substituted was adopted.

Senator Small sent up the following amendments:

Amend H. B. No. 429 by striking out all of Section 16.

SMALL.

Read and adopted.

Amend H. B. No. 429 page 3 line 11 by striking out the words "firm or corporation."

SMALL.

Read and adopted.

Senator Purl sent up the following amendment:

Amend H. B. No. 429, page 2, lines 10, 11 and 12 by striking out the following:

"other than any of the following: oleo oil from cattle, oleo stock from cattle, oleo stearine from cattle, neutral lard from hogs, cotton seed oil, peanut oil and/or milk fat."

PURL.

Read and adopted.

Senator Holbrook sent up the following amendment:

Amend H. B. No. 429 by striking out Section 14 of the printed bill.

HOLBROOK.

The amendment was read.

Senator Small moved to table the amendment. The motion was lost by the following vote:

Yeas—11.

Beck.	Pace.
Duggan.	Parr.
Hornsby.	Rawlings.
Martin.	Regan.
Neal.	Small.
Oneal.	

Nays—15.

Blackert.	Murphy.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Fellbaum.	Redditt.
Holbrook.	Sanderford.
Hopkins.	Woodruff.
Moore.	

Absent—Excused.

Stone.	Woodward.
Woodul.	

(Pair Recorded.)

Senator Russek (present) who would vote yea, with Senator Greer (absent) who would vote nay.

The amendment was adopted.

Senator Oneal sent up the following amendment:

Amend H. B. No. 429 by striking out of section No. 5 the words:

"General Fund of the State of Texas" and insert in lieu thereof the following:

"State Available School Fund of Texas."

ONEAL.

Read and adopted.

The bill failed to pass to third reading by the following vote:

Yeas—9.

Duggan.	Neal.
Hornsby.	Oneal.
Martin.	Pace.

Rawlings.
Small.

Woodruff.

Nays—16.

Blackert.	Murphy.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Fellbaum.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Moore.	Stone.

Absent—Excused.

Beck.	Woodward.
-------	-----------

(Pairs Recorded.)

Senator Parr (present) who would vote yea, with Senator Woodul (absent) who would vote nay.

Senator Russek (present) who would vote yea, with Senator Greer (absent) who would vote nay.

Senator Moore moved to reconsider the vote by which the bill failed to pass to third reading.

Senator Purl moved to table the motion to reconsider. The motion to table prevailed by the following vote:

Yeas—14.

Blackert.	Purl.
DeBerry.	Redditt.
Fellbaum.	Regan.
Holbrook.	Sanderford.
Moore.	Stone.
Murphy.	Woodul.
Poage.	Woodward.

Nays—12.

Collie.	Oneal.
Cousins.	Pace.
Duggan.	Rawlings.
Hornsby.	Russek.
Martin.	Small.
Neal.	Woodruff.

Absent—Excused.

Beck.	Patton.
Greer.	

(Pair Recorded.)

Senator Parr (present) who would vote nay, with Senator Hopkins (absent) who would vote yea.

Senate Simple Resolution No. 102.

Senator Woodul sent up the following resolution by unanimous consent:

Whereas, Dr. P. H. Scardino, Italian Consul for the State of Texas,

is in Austin on official business; now, therefore, be it

Resolved, That he be granted the privileges of the floor for this day.

WOODUL.

Read and adopted.

Free Conference Requested.

On motion of Senator Beck, the Senate refused to concur in the House amendments to S. B. No. 209 and requested the appointment of a Free Conference Committee.

Recess.

On motion of Senator Stone, the Senate, at 12:02 o'clock p. m., recessed until 2 o'clock p. m.

After Recess.

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to order by President Pro Tem. Walter Woodul.

S. C. R. No. 57.

Senator Woodruff called up from the table the motion to suspend the rule and take up S. C. R. No. 57.

Senator Samerford raised the point of order that, this being House bill day and the House bills not having been disposed of, it was out of order at this time to discuss a Senate resolution.

Senator Woodruff withdrew the motion.

Adjournment.

On motion of Senator Woodruff, the Senate, at 2:44 o'clock p. m., adjourned until 2:45 o'clock p. m.

APPENDIX.

Committee on Enrolled Bills.

Committee Room,

Austin, Texas, May 5, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 203 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Room,

Austin, Texas, May 5, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills have had S. B. No. 244 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Room,

Austin, Texas, May 5, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 334 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee on Engrossed Bills.

Committee Room,

Austin, Texas, May 5, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 329 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Final Disposition of Bills.

SUPPLEMENT.

Number of Bill or Resolu- tion	Date Filed	Vote	
		House	Senate
S. B. No. 133.....	May 4, 1933..... 12:00 noon	Yeas 100 Nays 0 6 present not voting	Yeas 30 Nays 0
S. B. No. 294.....	May 4, 1933..... 12:00 noon	Yeas 101 Nays 0 2 present not voting	Yeas 27 Nays 0
H. C. R. No. 51.....	May 4, 1933..... 10:30 a. m.	Adopted by viva voce vote	Adopted

W. W. HEATH, Secretary of State.